

15268. Adulteration and misbranding of chocolate coating. U. S. v. 10 Bags and 19 Bags of Chocolate Coating. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21826. I. S. No. 13253-x. S. No. E-6052.)

On April 14, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 bags of chocolate coating, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Massachusetts Chocolate Co., from Boston, Mass., on or about November 30, 1926, and transported from the State of Massachusetts into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Arena Flavored Choc. Coating 200 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive shells, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Choc. Coating," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 16, 1927, the Massachusetts Chocolate Co., Boston, Mass. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or disposed of contrary to law, nor until inspected and approved by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15269. Adulteration and misbranding of canned tomatoes. U. S. v. William E. Morris (Burlington County Canning Co.). Plea of guilty. Fine, \$200. (F. & D. No. 21585. I. S. Nos. 13691-x, 13692-x, 13693-x, 13694-x.)

On May 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Morris, trading as the Burlington County Canning Co., Vincenttown, N. J., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about August 25, August 31, September 10, and September 16, 1926, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of canned tomatoes, which were adulterated and misbranded. A portion of the article was labeled, in part: (cases) "Tomatos."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added tomato puree, tomato pulp, or juice from tomato skins and cores, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatos," borne on each of a number of the cases containing the article, was false and misleading, in that the said statement represented that the article consisted solely of tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of tomatoes, whereas it did not, but consisted, in part, of added puree, tomato pulp, or juice from tomato skins and cores. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tomatoes.

On June 6, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15270. Adulteration of oranges. U. S. v. 38 Boxes of Oranges. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21850. I. S. No. 14561-x. S. No. E-6087.)

On April 6, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-

demnation of 38 boxes of oranges, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by L. Maxcy, Inc., Wauchula, Fla., on or about March 11, 1927, and transported from the State of Florida into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part "L. Maxcy, Inc., Frostproof, Florida, Supreme Brand Quality and Pack, Oranges—Grapefruit—Tangerines."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted of a decomposed vegetable substance.

On April 25, 1927, the claimant for the property having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15271. Adulteration and misbranding of beef scrap and bone, and misbranding of beef scrap. U. S. v. Edward D. Smith (Independent Mfg. Co.). Plea of guilty. Fine, \$200. (F. & D. No. 21569. I. S. Nos. 688-x, 692-x, 11851-x, 11852-x, 11853-x.)

On May 10, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward D. Smith, trading as the Independent Mfg. Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about March 10, and April 1, 1926, from the State of Pennsylvania into the State of Maryland, of quantities of beef scrap and bone which was adulterated and misbranded, and on or about February 16, and March 2, 1926, from the State of Pennsylvania into the State of California, of quantities of beef scrap which was misbranded. The beef scrap and bone was labeled in part: "Independent's 55% (or "50%") Beef Scrap and Bone Guaranteed Analysis Protein 55% (or "50% Min.") * * * Made by Independent Manufacturing Co., Philadelphia, Pa." The beef scrap was invoiced: "Beef Scrap 50%."

Adulteration of the beef scrap and bone was alleged in the information for the reason that beef scrap and bone containing less protein than declared on the label had been substituted for beef scrap and bone containing 55% of protein, or 50% of protein, as the case might be, which the article purported to be.

Misbranding of the beef scrap and bone was alleged for the reason that the statements "Guaranteed Analysis Protein 55%," or "Guaranteed Analysis Protein 50% Min.," borne on the labels of the respective lots of the article, were false and misleading in that the said statements represented that the article contained 55% of protein, or 50% of protein, as the case might be, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained 55% of protein, or 50% of protein, as the case might be, whereas the article contained less protein than so declared. Misbranding of the said beef scrap and bone was alleged for the further reason that it was offered for sale and sold under the distinctive name of another article.

Misbranding of the beef scrap was alleged for the reason that it was offered for sale under the distinctive name of another article, namely, "Beef Scrap 50%," to wit, beef scrap containing 50% of protein, whereas it contained less than 50% of protein. Misbranding of the beef scrap was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 22, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15272. Adulteration of oysters. U. S. v. Carol Dryden and Nelson R. Coulbourn (Carol Dryden & Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 21605. I. S. No. 13441-x.)

On June 6, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carol Dryden and Nelson R. Coulbourn, co-partners, trading as Carol Dryden & Co., Cris-